

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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FAIR ISAAC CORPORATION, a  
Delaware corporation,

Court File No. 16-cv-1054 (WMW/DTS)

Plaintiff,

v.

**[PROPOSED] ORDER GRANTING  
DEFENDANTS' MOTION TO  
COMPEL DISCOVERY**

FEDERAL INSURANCE COMPANY,  
an Indiana corporation, and ACE  
AMERICAN INSURANCE COMPANY,  
a Pennsylvania corporation,

Defendants.

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The above-entitled matter came before the Court on Defendants Federal Insurance Company and Ace American Insurance Company's Motion to Compel Discovery. Based upon the parties' submissions, the arguments of counsel, and all of the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Defendant's Motion to Compel Discovery is **GRANTED**;
2. Within thirty (30) days from the date of this Order, Plaintiff shall provide the following discovery to Defendant:
  - a. All communications, including all letters and emails, related to its negotiations or decision-making with any software licensee that underwent a merger, acquisition, or similar change in control;
  - b. All documents related to FICO's pricing methods, including the factors and criteria FICO utilizes in determining license fees and discounts;

- c. All documents William Waid referenced in his April 2, 2019 deposition, including but not limited to:
  - i. The notice from the FICO Finance Department that it was no longer using six year software license contracts. (Tr. 28:8-25; 213:16-214:6.)
  - ii. FICO Finance Department emails about the need to charge for maintenance and support on top of annual fees. (Tr. 36:10-15.)
  - iii. Emails stating that the standard maintenance fee is increasing from 18% to 20% and then to 22%. (Tr. 213:16; 214:6.)
  - iv. Documents reflecting how FICO's use of [www.salesforce.com](http://www.salesforce.com) works. (Tr. 213:6-16.)
  - v. The list of all customers, identifying the software license each customer has, and whether the customer had an enterprise license. (Tr. 174:20-24; 175:2-11.)
  - vi. Email, spreadsheets, and "support logs" relating to licensees who underwent mergers, acquisition, and changes in control. (Tr. 155:8-21; 157:18; 158:15; 194:9; 195:7.)
- 3. Williams Waid's 30(b)(6) deposition is re-opened for a period of 8 hours to be conducted in Minneapolis, Minnesota;

4. FICO's 30(b)(6) designee, William Waid, is prohibited from testifying at trial about lost license fees as identified in his Declaration, filed February 5, 2018 and FICO's Answer to Interrogatory No. 4;
5. FICO's 30(b)(6) deposition regarding Topics 4 and 22 is re-opened for a period of 8 hours to be conducted in Minneapolis, Minnesota
6. FICO must supplement the privilege descriptions in its privilege log at entries 656, 662, and 665 within seven (7) days from the date of this Order;

SO ORDERED:

Dated: \_\_\_\_\_, 2019.

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Magistrate Judge David T. Schultz  
United States District Court